

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL PENDERGRASS,

v.

ORDER
03-CV-243A

T. SANNEY, et al.,

Defendants.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(A). Plaintiff filed a motion to appoint counsel.

On March 1, 2007, Magistrate Judge Scott filed a Decision and Order, denying plaintiff's motion for appointment of counsel.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law." The Court has reviewed defendants' objections and Magistrate Judge Scott's Decision and Order. Upon such review and after hearing argument from counsel, the Court finds that Magistrate Judge Scott's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 3, 2008